

Message Text

CONFIDENTIAL

PAGE 01 USBERL 02315 01 OF 03 291500Z
ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-05 H-01 INR-10
L-03 NSAE-00 NSC-05 PA-01 SP-02 SS-15 ICA-11
TRSE-00 COME-00 HA-05 MCT-02 SMS-01 JUSE-00
FBIE-00 IO-14 /088 W
-----026980 291712Z /44

R 280832Z SEP 78
FM USMISSION USBERLIN
TO SECSTATE WASHDC 7769
AMEMBASSY BONN
INFO AMEMBASSY BERLIN
AMEMBASSY LONDON
AMEMBASSY MOSCOW
AMEMBASSY PARIS
USMISSION USNATO

C O N F I D E N T I A L SECTION 1 OF 3 USBERLIN 2315

E.O. 11652: XGDS-1
TAGS: AKB BQG PGOV PINS
SUBJECT: UPCOMING TERRORIST TRIALS IN BERLIN

SUMMARY: BERLIN JUSTICE OFFICIALS HAVE GIVEN ALLIED LEGAL ADVISERS EXTENSIVE REPORT ON PLANS FOR FIVE COMPLEXES OF UPCOMING TERRORIST TRIALS TO BE HELD IN BERLIN. IN BRIEF, THESE TRIALS ARE ALL INTER-RELATED IN THAT SOME OF THE ACCUSED IN ONE TRIAL ARE ALSO ACCUSED IN ANOTHER, OR ALTERNATIVELY THE ACCUSED IN GENERAL ARE KNOWN OR SUSPECTED TO BELONG TO ONE OR MORE RELATED TERRORIST GROUPS. A MAIN POINT IN THE PLANNING IS THAT THE PROSECUTION IN BERLIN WILL BE HANDLED BY BERLIN PROSECUTORS AND NOT BY THE FEDERAL PROSECUTOR. HOWEVER, THIS WILL REQUIRE A TREMENDOUS COMMITMENT OF MANPOWER, AND AS A PURELY PRACTICAL MATTER, THERE IS SOME DOUBT HOW EXACTLY THE BERLIN STAATSANWALTSCHAFT WILL MANAGE ITS TASK. USBER DOES NOT BELIEVE THAT ANY ACTION IN BONN OR CAPITALS IS NECESSARY AT THIS TIME, HOWEVER, WE HAVE INDICATED OUR
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 USBERL 02315 01 OF 03 291500Z

DESIRE TO THE BERLIN SENATOR FOR JUSTICE TO BE
INFORMED OF ANY NOTEWORTHY DEVELOPMENTS ON THIS MATTER.
END SUMMARY

1. IN KEEPING WITH HIS DESIRE TO HAVE GOOD WORKING RELATIONSHIPS WITH THE ALLIED MISSIONS IN BERLIN, BERLIN SENATOR FOR JUSTICE MEYER INVITED THE ALLIED LEGAL AD-

VISERS ON 6 SEPTEMBER TO HIS OFFICE TO RECEIVE A DETAILED REPORT ON THE CURRENT STATE OF PLANNING IN BERLIN WITH RESPECT TO UPCOMING TERRORIST TRIALS.

2. DETAILED REPORT RECEIVED AT MEETING WAS FOLLOWED AT REQUEST OF LEGAL ADVISERS BY A WRITTEN REPORT FROM THE COMPETENT JUSTIZVERWALTUNG OFFICER WHO HAD BRIEFED US DURING DISCUSSIONS WITH MEYER. THAT REPORT, IN INFORMAL MISSION TRANSLATION FOLLOWS:

BEGIN TEXT

SUBJECT: CRIMINAL PROCEEDINGS AGAINST RINGLEADERS AND MEMBERS OF THE "2 JUNE MOVEMENT" FOR WHICH THE FEDERAL PROSECUTOR AND THE PUBLIC PROSECUTORS OF THE SUPREME BERLIN LAND COURT (KAMMERGERICHT) ARE COMPETENT THE FOLLOWING PROCEEDINGS ARE INVOLVED:

1. THE LORENZ-VON DRENKMANN COMPLEX.

AMONG THE ACCUSED ARE ROLLNIK, GODER, PLAMBECK AND VIETT. THE FACTS IN THIS COMPLEX COMPRISE THE SAME FACTS WHICH ARE THE SUBJECT OF THE CURRENT LORENZ-VON DRENKMANN TRIAL AGAINST TILL MEYER, RALF REINDERS AND OTHERS BEFORE THE FIRST PENAL SENAT OF THE KAMMERGERICHT. THE FEDERAL PROSECUTOR'S OFFICE HAS BROUGHT IN THE INDICTMENT IN THIS COMPLEX, HOWEVER, IT IS NOT INCLINED CONFIDENTIAL

CONFIDENTIAL

PAGE 03 USBERL 02315 01 OF 03 291500Z

TO PREFER CHARGES AGAINST SUBSEQUENTLY ARRESTED OR IDENTIFIED PERPETRATORS.

2. COMPLEX INVOLVING THE ESCAPE FROM WOMEN'S PRISON LEHRTERSTRASSE BY ROLLNIK, VIETT AND PLAMBECK IN JULY, 1976.

INVESTIGATION OF THIS MATTER IS BEING HANDLED BY THE PUBLIC PROSECUTOR'S OFFICE OF THE LANDGERICHT BERLIN.

3. COMPLEX INVOLVING THE FOLLOWING FACTS:

(A) TWO BANK ROBBERIES IN BERLIN, (B) BANK ROBBERY IN DUSSELDORF, AND (C) TWO BANK ROBBERIES IN KASSEL.

THE FEDERAL PROSECUTOR IS HANDLING THE PROCEEDINGS, AND WILL PRESUMABLY FULLY INVESTIGATE THE BANK ROBBERIES IN DUSSELDORF AND KASSEL UNTIL CHARGES AGAINST THE ACCUSED CAN BE PROFERRED; HOWEVER, IT IS NOT FORESEEN THAT THE FEDERAL PROSECUTOR HIMSELF WOULD ISSUE AN INDICTMENT.

4. COMPLEX INVOLVING FOLLOWING FACTS: (A) KDINAPPING OF PALMER IN VIENNA, (B) MAINTENANCE OF CONSPIRATORIAL SAFE

HOUSES, AND (C) DISCOVERY OF ARMS IN THE TEGEL FOREST IN

CONFIDENTIAL

NNN

CONFIDENTIAL

PAGE 01 USBERL 02315 02 OF 03 291523Z
ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-05 H-01 INR-10
L-03 NSAE-00 NSC-05 PA-01 SP-02 SS-15 ICA-11
TRSE-00 COME-00 HA-05 MCT-02 SMS-01 JUSE-00
FBIE-00 IO-14 /088 W
-----027476 291712Z /44

R 280832Z SEP 78
FM USMISSION USBERLIN
TO SECSTATE WASHDC 7770
AMEMBASSY BONN
INFO AMEMBASSY BERLIN
AMEMBASSY LONDON
AMEMBASSY MOSCOW
AMEMBASSY PARIS
USMISSION USNATO

C O N F I D E N T I A L SECTION 2 OF 3 USBERLIN 2315

BERLIN.

THE FEDERAL PROSECUTOR'S OFFICE IS HANDLING THE INVESTIGATION OF A AND B. THE PROCEEDINGS UNDER C ARE BEING HANDLED BY THE PUBLIC PROSECUTOR'S OFFICE OF THE KAMMERGERICHT. THE FEDERAL PROSECUTOR PLANS TO WAIT FOR THE FINDINGS OF THE PROCEEDINGS REGARDING PALMER'S ABDUCTION, WHICH ARE TO BE HELD IN AUSTRIA, AND TO SUBMIT THEM AT A LATER DATE TO THE PUBLIC PROSECUTOR'S OF THE KAMMERGERICHT FOR EVALUATION. THE ACCUSED IN THE CASES UNDER A AND B ARE BELIEVED TO BE ROLLNIK, VIEHMANN, SIEPMANN, PLAMBECK, VIETT, AND GUDRUN STUERMER. THE ACCUSED IN CASE C ARE BELIEVED TO BE STUERMER AND VIEHMANN.

5. COMPLEX INVOLVES: (A) FORCEABLE LIBERATION OF TILL MEYER FROM THE MOABIT REMAND PRISON ON 27 MAY 1978, AND, (B) VIOLENT ATTACKS AGAINST COURT-APPOINTED DEFENSE COUNSEL (IN THE CURRENT LORENZ-VON DRENKMANN TRIAL) HOHLA
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 USBERL 02315 02 OF 03 291523Z

AND KRUMMHEUER BY SO-CALLED "REVOLUTIONARY CELLS". THE ACCUSED IN CASE A ARE LAWYER MUELLERHOF, ROLLNIK, STUERMER, GODER, VIEHMANN, SIEPMANN, PLAMBECK AND MEYER. ON 31 MAY, THE FEDERAL PROSECUTOR TRANSFERRED THE PROCEEDINGS CONCERNING MEYER'S FORECEALBE LIBERATION TO THE PUBLIC PROSECUTOR'S OFFICE AT THE BERLIN KAMMERGERICHT. HOWEVER, ON 11 JULY 1978 DUE TO NEW FACTS WHICH HAD COME TO HIS ATTENTION, THE FEDERAL PROSECUTOR EFFECTED A SUPPLEMENT TO HIS WARRANT OF ARREST OF 22 JUNE ADDING GODER AS AN ACCUSED. VIEHMANN IS SUSPECTED OF HAVING COMMITTED THE OFFENSES IN CASE B. THE PROCEDURE AGAINST HIM IS PENDING AT THE PUBLIC PROSECUTOR'S OFFICE OF THE KAMMERGERICHT.

THE PROSECUTING AUTHORITIES ALL AGREE THAT THE FIVE COMPLEXES CAN ONLY BE UNIFORMLY HANDLED AND THE ACCUSED INDICTED BY THE FEDERAL PROSECUTOR OR BY THE PUBLIC PROSECUTOR'S OFFICE OF A SUPREME LAND COURT (KAMMERGERICHT) IN BERLIN. THE FEDERAL PROSECUTOR IS OF THE OPINION THAT THE ENTIRE COMPLEX OF CASES IS OF MINOR SIGNIFICANCE IN THE SENSE OF PARA 142 A, SECTION 2, NO. 2 OF THE LAW ON THE COURT'S CONSTITUTION AND THUS CONSIDERS IT AS FALLING WITHIN THE COMPETENCE OF A LAND PUBLIC PROSECUTOR'S OFFICE. THE FEDERAL PROSECUTOR HAS COME TO THIS CONCLUSION ESSENTIALLY UPON A COMPARISON OF THESE PROCEEDINGS WITH OTHER CASES FOR WHICH HE IS COMPETENT. HE HAS ALSO TAKEN INTO ACCOUNT THE STRAIN ON HIS PERSONNEL WHICH THE PROSECUTION WOULD RESULT IN, THE NATURE OF THE OFFENSES, AND THE CRIMINALITY OF THE ACCUSED. IN HIS VIEW, THE TOTAL COMPLEX OF CASES CONSTITUTE SUBSEQUENT OR SECOND TRIALS WHICH VERY LIKELY ARE NOT OF EQUAL IMPORTANCE AS THE ORIGINAL TRIAL (THE ONGOING LORENZ-VON DRENKMANN TRIAL).

CONFIDENTIAL

CONFIDENTIAL

PAGE 03 USBERL 02315 02 OF 03 291523Z

WITH REGARD TO LOCAL COMPETENCE, IT IS CLEAR THAT THE CENTRAL POINT IS BERLIN.

IT THEREFORE MUST BE EXPECTED THAT THE ATTORNEY GENERAL OF THE BERLIN KAMMERGERICHT WILL SOON TAKE OVER THESE PROCEEDINGS IN THEIR ENTIRETY. AT FIRST, THIS WILL RESULT IN CONSIDERABLE STAFF PROBLEMS.

THE HANDLING OF THESE PROCEEDINGS REQUIRES ABOUT SIX PUBLIC (OR LEADING) TRIAL PROSECUTORS; ONE OR TWO NEW CHAMBERS WILL HAVE TO BE ESTABLISHED AT THE KAMMERGERICHT. THIS IS NOT ONLY A QUESTION OF NUMBERS, BUT

ABOVE ALL A QUESTION OF EXPERIENCED LAWYERS SPECIALIZED IN CRIMINAL LAW. IT MUST ALSO BE CONSIDERED THAT THERE WILL BE INCREASED RISKS IN THE GENERAL SECURITY SITUATION (OF BERLIN) BECAUSE OF THE INCREASED CONCENTRATION OF TERRORISTS WHICH WE EXPECT TO HAVE IN THE CITY. A CONSIDERABLE BURDEN WILL THUS BE PLACED ON BERLIN AUTHORITIES IN THE AREA OF EXECUTION OF SENTENCES. THE NUMBER OF ESPECIALLY DANGEROUS CRIMINALS PRESENTLY IN PRISON IN BERLIN AMOUNTS TO 17: OF THEM, 15 ARE ACCUSED AWAITING TRIAL WHO THEREFORE CANNOT BE TRANSFERRED TO OTHER LAENDER OF THE FRG PURSUANT TO THE LAENDER AGREEMENT ON THE SUBJECT. IN ADDITION, THERE ARE SOME ACCUSED WHO ARE NOT YET IN BERLIN AND WHO WILL HAVE TO BE BROUGHT TO BERLIN FOR TRIAL.

GENERALLY, ACCUSED WILL BE BROUGHT TO BERLIN BY CHARTER FLIGHTS. ROLLNIK HAS ALREADY BEEN BROUGHT TO

CONFIDENTIAL

NNN

CONFIDENTIAL

PAGE 01 USBERL 02315 03 OF 03 291519Z
ACTION EUR-12

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-05 H-01 INR-10
L-03 NSAE-00 NSC-05 PA-01 SP-02 SS-15 ICA-11
TRSE-00 COME-00 HA-05 MCT-02 SMS-01 JUSE-00
FBIE-00 IO-14 /088 W

-----027353 291713Z /44

R 280832Z SEP 78
FM USMISSION USBERLIN
TO SECSTATE WASHDC 7771
AMEMBASSY BONN
INFO AMEMBASSY BERLIN
AMEMBASSY LONDON
AMEMBASSY MOSCOW
AMEMBASSY PARIS
USMISSION USNATO

C O N F I D E N T I A L SECTION 3 OF 3 USBERLIN 2315

BERLIN BY AIR. THE ACCUSED GODER AND STUERMER WILL BE FLOWN TO BERLIN AS SOON AS A TRANSFER ORDER HAS BEEN ISSUED. OTHERS, IN PARTICULAR VIETT AND PLAMBECK, WILL BE BROUGHT TO BERLIN IN THE EVENT OF THEIR ARRESTS. THE HANDLING OF THESE FIVE COMPLEXES IN BERLIN WILL DEMONSTRATE WHETHER FURTHER CRIMINAL ACTIONS

CRIMINALS WILL BE ATTRACTED TO BERLIN. A RELIABLE ESTIMATE ON THIS MATTER CANNOT BE MADE AT PRESENT.
END TEXT

3. COMMENT: ALLIED LEGAL ADVISERS REGARD THIS SITUATION AS THE LESSER OF EVILS. THEY WERE CONCERNED THAT AS HE HAS DONE IN THE ONGOING CASE, THE FEDERAL PROSECUTOR WOULD DETERMINE (AS HE IS FREE TO DETERMINE) THAT THE FUTURE TERRORIST PROSECUTIONS IN BERLIN WOULD BE HANDLED BY HIS OFFICE. WHILE THE SITUATION MAY CHANGE, IT IS CLEARLY THE EXPECTATION THAT BERLIN AUTHORITIES WILL HANDLE THE PROSECUTION. FROM
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 USBERL 02315 03 OF 03 291519Z

VARIOUS REPROTS WE HAVE RECEIVED, USBER CONCLUDES THAT THE JUSTIZVERWALTUNG REPORT OF ANTICIPATED MANPOWER DIFFICULTY IS HONEST BUT NOT 100 PERCENT ACCURATE. SOME MEMBERS OF THE BERLIN JUSTIZVERWALTUNG ARE DOUBTFUL THAT THERE ARE ENOUGH EXPERIENCED PROSECUTORS IN BERLIN TO HANDLE ALL OF THESE CASES IN THE ROUGHLY ESTIMATED 2-4 YEARS OF ACTIVE LITIGATION WHICH THEY WOULD REQUIRE. HOWEVER, THE SENATOR FOR JUSTICE IS WITHOUT DOUBT THAT THE ALLIES WILL WISH TO BE INFORMED IF THERE IS ANY QUESTION OF THE FEDERAL PROSECUTOR ASSERTING HIS COMPETENCE IN THESE CASES. THE LEGAL ADVISERS ASKED WHY ALL OF THESE CASES WOULD HAVE TO BE HELD IN BERLIN, SINCE SOME OF THE CRIMINAL ACTS OCCURRED OUTSIDE BERLIN. THE ANSWER WAS THAT THE CASES, BECAUSE OF THE OMNI-PRESENCE OF SEVERAL OF THE ACCUSED, WERE REGARDED AS INTRINSICALLY INTER-RELATED AND THAT AN OPINION HAD BEEN REACHED BY GERMAN LEGAL AUTHORITIES THAT THE CASES SHOULD BE TRIED BY THE SMAE AUTHORITIES. THE ONE LOCAL AUTHORITY IN GERMANY THAT HAS THE MOST POINTS OF CONTACT WITH THESE COMPLEXES IS WITHOUT QUESTION BERLIN.

4. IN USBER'S OPINION, THERE IS NOTHING FOR US TO DO AT THIS POINT EXCEPT TO BE INFORMED. WE ANTICIPATE THAT SENATOR MEYER WILL AGAIN APPROACH US WHEN THERE IS FURTHER NEWS TO BE HAD OR WHEN THE BERLIN AUTHORITIES SEEK TRANSFER OF AN ACCUSED TO BERLIN. WE SEE NO NEED AT THIS STAGE FOR THE ALLIES TO TAKE ANY ACTION.
END COMMENT.ANDERSON

CONFIDENTIAL

NNN

Message Attributes

Automatic Decaptioning: X
Capture Date: 01 jan 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: REPORTS, TRIALS, TERRORISTS
Control Number: n/a
Copy: SINGLE
Draft Date: 28 sep 1978
Decaption Date: 01 jan 1960
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 20 Mar 2014
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1978USBERL02315
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: X1
Errors: N/A
Expiration:
Film Number: D780398-0387
Format: TEL
From: USBERLIN
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1978/newtext/t1978098/aaaaagxb.tel
Line Count: 324
Litigation Code IDs:
Litigation Codes:
Litigation History:
Locator: TEXT ON-LINE, ON MICROFILM
Message ID: 9488e852-c288-dd11-92da-001cc4696bcc
Office: ACTION EUR
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 6
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: n/a
Retention: 0
Review Action: RELEASED, APPROVED
Review Content Flags:
Review Date: 20 may 2005
Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 1480516
Secure: OPEN
Status: NATIVE
Subject: UPCOMING TERRORIST TRIALS IN BERLIN SUMMARY: BERLIN JUSTICE OFFICIALS HAVE GIVEN ALLIED LEGAL AD- VISERS EXTENSIVE REPORT ON PLANS FOR FIVE COMPLEXE
TAGS: PGOV, PINS, WB, AKB, BQG
To: STATE BONN
Type: TE
vdkgvwkey: odbc://SAS/SAS.dbo.SAS_Docs/9488e852-c288-dd11-92da-001cc4696bcc
Review Markings:
Sheryl P. Walter
Declassified/Released
US Department of State
EO Systematic Review
20 Mar 2014
Markings: Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014